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LM02/1004

EXAMINER

KUMAR, S

ART UNIT

PAPER NUMBER

2775

DATE MAILED:

10/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/251,519

Applicant(s)

Bathiche et al.

Examiner
Srilakshmi Kumar

Group Art Unit
2775



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-23 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2775

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities: On page 38, line 3, Claim 10 is shown to depend on itself. Appropriate correction is required.

Examiner will assume Claim 10 is dependent upon Claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 5,396,265) and further in view of Beasley et al. (US 5,721,842).

As to independent claim 1, Ulrich et al disclose a method of preparing a data packet indicative of operator manipulation of a hand held computer input device comprising, receiving information indicative of a physical orientation of the computer input device, receiving information indicative of a configuration of a multiple switch on the computer input device, and placing data in an orientation field and a multiple switch field in the data packet as shown in Col. 3, lines 36-50, Col. 4, lines 17-21, Col. 4, line 66-Col. 5, line 7. Where Ulrich et al fail to teach the feature of a data packet, Beasley et al teach in abstract, Col. 1, lines 49-54, Col. 2, line 66-Col. 3, line 7, Col. 5, lines 30-42, and Col. 6, lines 43-57. It would have been obvious to one of

Art Unit: 2775

ordinary skill in the art to incorporate the data packet feature of Beasley et al into the system of Ulrich et al. The data packet feature is advantageous as it allows easy dispersement of information to several locations.

As to independent claim 13, limitations of claim 1, and further comprising, receiving rotation information indicative of rotation of a rotatable member on the computer input device and placing data in a orientation field and a rotation field in the data packet based on the orientation information and the rotation information as shown in Col. 5, lines 8-35.

As to independent claim 16, see claim 1, above.

As to independent claim 23, limitations of claim 1, and further comprising, receiving mode information, Col. 3, lines 52-58, and controlling the display device such that an object being displayed on the visual display device assumes a visual orientation corresponding to one of, the physical orientation of the computer input device as indicated by the orientation information and the configuration of the multiple switch device as indicated by the switch information, based on selected mode as shown in Col. 5, lines 35-66.

As to dependent claim 2, see claims 1 and 23, above.

As to dependent claim 3, limitations of claim 2, and further comprising, placing orientation indicative of the physical orientation of the computer input device in the orientation field when the selected mode is a first selected mode, Col. 3, line 55-Col. 4, line 54, and placing predetermined orientation data in the second selected mode, the predetermined orientation data corresponding to the configuration of the multiple switch device, Col. 4, line 55-65.

Art Unit: 2775

As to dependent claims 4-9 see claim 3, above.

As to dependent claim 10, see claims 1 and 3, above.

As to dependent claim 11, limitations of claim 10, and further comprising, replacing the orientation information in the orientation field with a predetermined orientation value, when the selected mode is a second selected mode as shown in Col. 4, lines 55-65, where when the second mode is selected, the orientation is not used thus changing the virtual input device icon into an arrow.

As to dependent claim 12, limitations of claim 11, and further comprising, placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is preformed on the computer by the input driver by replacing the switch information in the multiple switch field with a predetermined value when the selected mode is the second mode as shown in Col. 4, lines 55-65.

As to dependent claim 14, see limitations of claims 1 and 13, above.

As to dependent claim 15, limitations of claim 14, and further comprising, receiving button information indicative of depression of a plurality of buttons on the computer device and placing data in a button field in the data packet based on the button information as shown in Col. 4, line 66-Col. 5, line 7, 36-44.

As to dependent claim 17, limitations of claim 16, and further comprising, a rotation field containing rotation information indicative of rotation of a rotatable member as shown in Col. 5, lines 8-26.

Art Unit: 2775

As to dependent claim 18, see claim 15, above.

As to dependent claim 19, see claims 1, 3, 13 and 16, above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 5,396,265) and Beasley et al (US 5,721,842) as applied to claim 1 above, and further in view of Willner et al. (US 5,874,906).

As to independent claim 20, limitations of claims 1 and 13, above as taught by Ulrich et al. Where Ulrich et al fails to teach the following, Willner et al, in Fig. 1, disclose a first housing portion (115), including, a first extending handle (114) coupled to and extending away from the first housing portion, a second extending handle (116) coupled to and extending away from the first housing portion. It would have been obvious to one of ordinary skill in the art to replace the input device shape of Ulrich et al with that of Willner et al. The input device shape of Willner et al is advantageous as it takes into consideration ergonomics and further provides the user with comfort.

As to dependent claim 21, see claims 1 and 12, above.

As to dependent claim 22, see claim 3, above.

Art Unit: 2775

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Srilakshmi Kumar** whose telephone number is (703) 306-5575. The examiner can normally be reached on Mondays through Fridays from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached on (703) 305-9720. The fax number is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

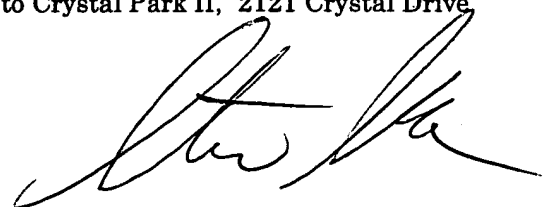
(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive
Arlington, VA., Sixth Floor (Receptionist).

October 1, 2000



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SUPERVISORY PATENT EXAMINER
GROUP 2700